

where the trailer was located and towed it overnight to WCCJ's site. Since this trailer was used previously as a remote broadcast unit, it was already equipped as a studio. The addition of a rack of monitoring equipment and the transmitter was all that was necessary to make it ready for broadcasting.

Ans. 5. WCCJ now possesses all equipment necessary to begin broadcasting.

Ans. 5(a). The equipment list includes: one each RCA BC-19 Stereo Audio Console, Two each QPK Turntables with Shure tone arms and cartridges and pre-amps mounted in a Gates turntable base, two each Broadcast Electronics Spotmaster 500 series cartridge units, two each Sony 850 reel-to-reel recorder/reproducers, one each Electro-voice RE-20 microphone, two each Roberts Monitor speakers, two each Microdyne 110-TUR(X24) satellite receivers, one each Aventek LNA, one each 12 foot satellite dish, one each Wegener audio subcarrier demodulator for "Transtar" adult contemporary format, one each Belar FMM-1 Modulation Monitor, one each Belar FSM-1 Stereo Monitor, one each Orban Optimod 8000A stereo generator, one each Gates FM-1C transmitter, 270 Feet Rohn 55G tower with accessories, 300feet 7/8 Andrew Heliax, one each Jampro Antenna, and other miscellaneous equipment i.e. air conditioner, aux. generator, etc.

Most of this equipment was aquired over several years not specifically for WCCJ. I buy, sell and trade equipment on a regular basis. Copies of receipts for specific equipment are

available if requested.

Ans. 5(b). not applicable.

Ans. 6. The original tower, a Utility Tower, was supposed to be delivered to the site on March 8, 1988. However as was indicated in the ammended application on May 26, 1988, the tower delivered was a 160 foot communications tower so delivery was refused. As with the trailer problem the March 15th application was in preparation during this period and the dates given were based on the projected dates believed to be accurate.

Ans. 6(a). The tower actually arrived on the 14th of March. I was not informed of the problem until March 21st, when I returned to Miami from Melbourne, Florida.

Ans. 6(a)(1). see answer 6(a)(2).

Ans. 6(a)(2). I was in Melbourne, Florida during the week of March 14-20, 1988. The application was mailed during that time. I received a phone call Monday, March 21, that the shipment had been refussed.

Ans. 6(b). On the 19th of May, I found a tower available from Antenna and Tower Service of Sturgeon, Missouri. The tower was a Rohn 45 and the sale contract was an exhibit in the May 29th filing. Since then WCCJ has aquired a Rohn SSG tower which is more suited to the stations needs and it is currently on a

trailer in Miami and can be delivered to the site in two days by me.

Ans. 6(c) A copy of a "State of Construction as of July 1, 1988", that was addressed to Peter Rubenstein is included as exhibit IV which spells out the current status of the tower installation.

Ans. 7(a). Exhibit U is the agreement finally reached with the land owners giving the utility easement rights to permit the local power company to proceed. The local power company would not write a service order until this agreement had been aquired and presented to them. As you can see, the date is July 19, 1988 and July 27, 1988.

Ans. 7(b) see exhibit U.

These answers are true and accurate to the best of my knowledge and the information provided by others I believe to be reliable.

Respectfully yours,

Raymond Meyers, Pres.
Benchmark Comm. Corp.

EXHIBIT 11
WCCJ-FM
BENCHMARK COMM. CORP.
CHATOM, ALABAMA
AUG. 3, 1988

TURNER, ONDERDONK & KIMBROUGH, P. A.

LAWYERS

600 CENTRAL AVENUE

CHATOM, ALABAMA

January 29, 1988

EDWARD P. TURNER, JR.
A. MICHAEL ONDERDONK
R. A. KIMBROUGH, JR.
GORDON H. HOWELL
MALDON W. TURNER
FRANK WOODSON
DAVID MICHAEL HUGGINS
BRAXTON COUNTS III

*ADMITTED IN ALABAMA & MISSISSIPPI

MAILING ADDRESS
P. O. DRAWER 388
CHATOM, AL 365 8
TELEPHONE 225 847 2237

Mr. Raymond Meyers
Benchmark Communications Corp.
4700 Southwest 75th Ave.
Miami, Fla. 33155

Re: WCCJ, Inc.

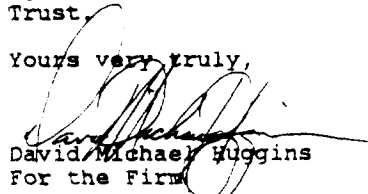
Dear Ray:

This letter will confirm our telephone discussions of January 25, 1988, wherein I indicated that it appears that we have reached an agreement in principle with the Trustee for the Martha Annie Jordan Income Trust to lease five (5) acres of high ground in the area of interest for a yearly rental of Two Thousand (\$2,000.00) Dollars per year and, in an effort to offset any expenses in start-up, the lease rental payments will be made in advance providing the Trust with Two Thousand (\$2,000.00) Dollars in rental payment upon the execution of a Lease Agreement. I am endeavoring to complete the Lease Agreement for transmittal to the Trust in the very near future and we are preparing for an on sight inspection by the Trust officers with Mr. Schell sometime next week.

Enclosed please find a copy of the survey prepared by Robert Schell of the Chatom Radio Tower site and the right-of-way across the Trust property providing access for your employees. As this survey may be necessary for your efforts to design the layout of the facilities, I felt I should transfer this to you immediately upon receipt and although the survey is dated December 17, 1987, I have received it just recently.

Should you have any questions, please feel free to contact me at your convenience and be assured that you will hear from me shortly after the on sight inspection and a copy of the proposed Lease Agreement will be forwarded to you prior to transmittal to the Trust.

Yours very truly,


David Michael Huggins
For the Firm

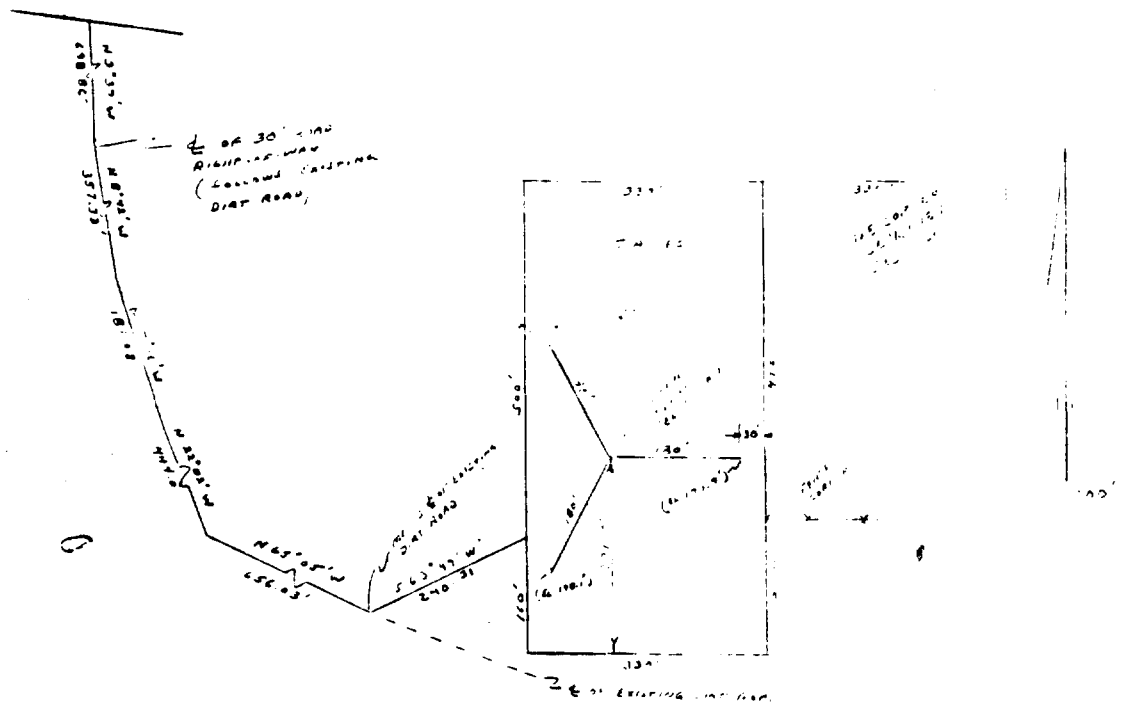
DMH:awg

Enclosure.

EXHIBIT I
WCCJ-FM
BENCHMARK COM. CORP.
CHATOM, ALABAMA
AUG. 8, 1988

P. O. Box 156
CHATOM, ALABAMA 36518

Map No. 5518
Phone 817-2823



CHATOM RADIO TOWER

The $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West, Washington County, Alabama.

Also a right-of-way and easement 30 feet in width being 15 feet on each side of a centerline described as follows: Beginning 160 feet North of the SW corner of the $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West; thence run South 63°49' West for 240.31 feet; thence North 65°05' West for 656.03 feet; thence North 22°02' West for 444.00 feet; thence North 17°16' West for 181.08 feet; thence North 08°42' West for 357.33 feet; thence North 03°39' West for 698.86 feet to a county road and the point of ending. Said right-of-way being in the $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West, Washington County, Alabama.

December 17, 1987

Robert F. Schell
Robert F. Schell PE/PLS

PLEASE REPLY WITHIN 7 DAYS TO

PRINTED IN U.S.A.

Cardmember Account Number: 5126 9000 61005

Cardmember Use: ☐ ☐

Expiration Date Chaired: ☐ ☐

Approval Code: 2302

Cardmember Name: JOHN RYLAND MEYERS

Address: 9229450

Service Identification: ☐ Date of Charge: ☐

Any delayed charges are shown below:

051488

051488 / Service: Type of Delayed Exp:

030317511 - 1A-1

4893000000

Total: Amt. of Delayed Exp.

per Min. Revised Total

Total: 63521

Amount due Only: Equipped Amount

Please Write

STATE OF CONSTRUCTION OF WCCJ

Chatom, Alabama

As of July 1, 1988, WCCJ had reached the following level of construction:

1) Site Preparation. All site work that is planned is complete. The area around the transmitter site is mostly a natural clearing with a few trees. There is no plan to remove any of these trees as they do not affect the installation of any of the station. There are a few trees close to the tower foundation but they will not present any problems being there so they will stay.

2) Studio & Transmitter. An office type trailer is on the transmitter site. This trailer houses all of the studio and transmitter equipment necessary to operate the station. It only requires connection to electric power and to the antenna feed line to function. All of the equipment is installed in the trailer with the exception of the transmitter proper. The transmitter (a Gates FM-1C) remains at the Miami, Florida home office because of serious problems preventing normal operation. The transmitter uses 4-400 final tubes which for several years have varied widely in quality. Finding a pair of these tubes that will operate satisfactorily in VHF (FM) service for any length of time is now very difficult. A price and delivery of a BEXT one kilowatt transmitter has been obtained and will most likely be the type finally used at WCCJ.

3) Tower & Antenna. The antenna and feed line is at the site. Since the original tower was never delivered, WCCJ

contacted Antenna and Tower Service of Sturgeon, Missouri, who offered to supply both tower and erection service. However since the date of that offer, WCCJ has acquired a complete tower which is now stored in Miami. Shipment to the site can be made in twenty four hours and erection should take no more than three to four days weather permitting.

Since the original tower we were supposed to get was a Utility Tower which required a 24" x 24" x 60" pier foundation and used "Earth Auger" screw in anchors at the designated tie down points and the Rohn 45 tower offered by Antenna and Tower service are both much lighter weight towers than the Rohn 55G we now have, some changes are going to be necessary in the foundation and anchors. The base foundation now must have a base pad about 60" square and a foot thick with a pier 24" x 24" x 48" above it. This being the case, the original foundation has been pulled out of the ground and the hole for the larger foundation was dug. We are also looking at replacing the "Earth Auger" type anchors with concrete "dead men" because of the increased wind loading. All of the changes would require about five to seven days to complete.

4) Power & Utilities. Except for the electric power to the site, telephone and water are readily available. When first contacted, in December, 1987, the electric company representative directed me to the engineering office located in Jackson, Alabama. The engineers I spoke with then sometime in January, 1988, visited the area of the site and reported that electric service could not be requested until a utility easement of 30 feet width and the length of the run had been arranged across the

private land to the site. Subsequently negotiations with our landlord, The Jordan Trust, represented by First Alabama Bank in Mobile and then the Beach Family have finally (June, 1988) yielded an agreement that will permit WCCJ to run a power line to the nearest branch circuit maintained by the local power company. Although the power company will put in the actual pole line, WCCJ will own it because it traverses private property. Officially that is when we may request a power service connection. WCCJ must also buy seven hundred dollars worth of pulp wood trees which must be removed to accomodate the line easement as well as the cost of the line itself which is estimated at five thousand dollars. The time frame is several weeks, weather permitting, from start to finish.

Upon completion of these items the station will be ready to broadcast. The completion of these items altogether are expected to take 30 to 45 days from the time WCCJ's construction permit is reinstated.

John Raymond Meyers

July 15, 1988

EXHIBIT V
WCCJ-FM
BENCHMARK COM. CORP.
CHATAM, ALABAMA
AUG. 8, 1988

TURNER, ONDERDONK & KIMBROUGH, P. A.

LAWYERS

100 CENTRAL AVENUE

CHATAM, ALABAMA

EDWARD P. TURNER, JR.
A. MICHAEL ONDERDONK
W. A. KIMBROUGH, JR.
GORDON K. HOWELL
HALRON W. TURNER
FRANK WOODSON
DAVID MICHAEL HUGGINS*
BRAXTON COUNTS III
*ADMITTED IN ALABAMA & MISSISSIPPI

MAILING ADDRESS
P. O. DRAWER 1388
CHATAM, AL. 36618
TELEPHONE (205) 847-2237
FAX (205) 847-3115

July 19, 1988

Mr. Don Harper
First Alabama Bank, Trust Department
P. O. Drawer 2527
Mobile, AL 36622

RE: Utility Easement for Electrical Service to WCCJ, Inc.

Dear Mr. Harper:

Enclosed please find the easement form used by the Clarke-Washington Electric Membership Corporation to obtain the Right-of-Way necessary for the construction of the utility easement we discussed previously for WCCJ, Inc. I understand that the trees which must be taken down have been marked and a check is enclosed herewith in the amount of Six Hundred Thirty & no/100 (\$630.00) Dollars in compensation for the timber damages involved.

One final comment, although Exhibit "B" appears to indicate that the last link of the transmission line goes outside of the Right-of-Way, the second to the last pole has been moved Southward in order to keep the line within the Right-of-Way and, in any event, no more trees will be cut than those which are marked.

Should you have any questions, please feel free to contact me at your convenience.

Yours very truly,

David Michael Huggins
For the Firm

DMH:awg

Enclosures.

EXHIBIT V
WCCJ-FM
BENCHMARK COM. CORP.
CHATOM, ALABAMA
AUG. 8, 1988

SERVICE FOR: WCCJ, Inc.

KNOW ALL MEN BY THESE PRESENTS, That the undersigned First Alabama Bank of Mobile,
Alabama, as Trustee of the Martha Annie
Jordan Income Trust (hereinafter called the grantor, whether one or more), do (es) hereby
grant unto CLARKE-WASHINGTON ELECTRIC MEMBERSHIP CORPORATION, its successors or assigns, the
right to enter upon the lands of the grantor, situated in the county of Washington,
State of Alabama, and more particularly described as follows:

SECTION 18

TOWNSHIP 16 North

RANGE 2 West

That certain Right-of-Way and Easement thirty (30) feet in
width, being fifteen (15) feet on each side of the centerline
described in the survey of Robert F. Schell, PE/PLS dated
December 17, 1987 and attached hereto as Exhibit "A" and made
a part hereof for all purposes for the placement of an
electrical utility line and utility poles as depicted on
Exhibit "B" attached hereto and made a part hereof for all
purposes.

And place, construct, operate, repair, maintain, relocate and replace thereon and in or upon all streets,
roads or highways abutting said land, an electric transmission or distribution line or system, and to cut and
down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in
falling. If the Grantee wishes to do so permission and consent must be obtained
from Grantor which consent shall not be unreasonably withheld
In granting this easement it is understood that at pole locations, only a single pole and appurtenances
will be used, and that the location of the poles will be such as to interfere the least possible to farm operations
provided it does not materially increase the cost of construction.

The grantor covenants that the grantor is the owner of the above described lands and that said lands
are free and clear of all encumbrances and liens except _____

WITNESS the hand (s) and seal (s) of the grantor this the _____ day of _____, 19____

WITNESSES:

FIRST ALABAMA BANK, As Trustee of (SEAL)
the Martha Annie Jordan Income Trust

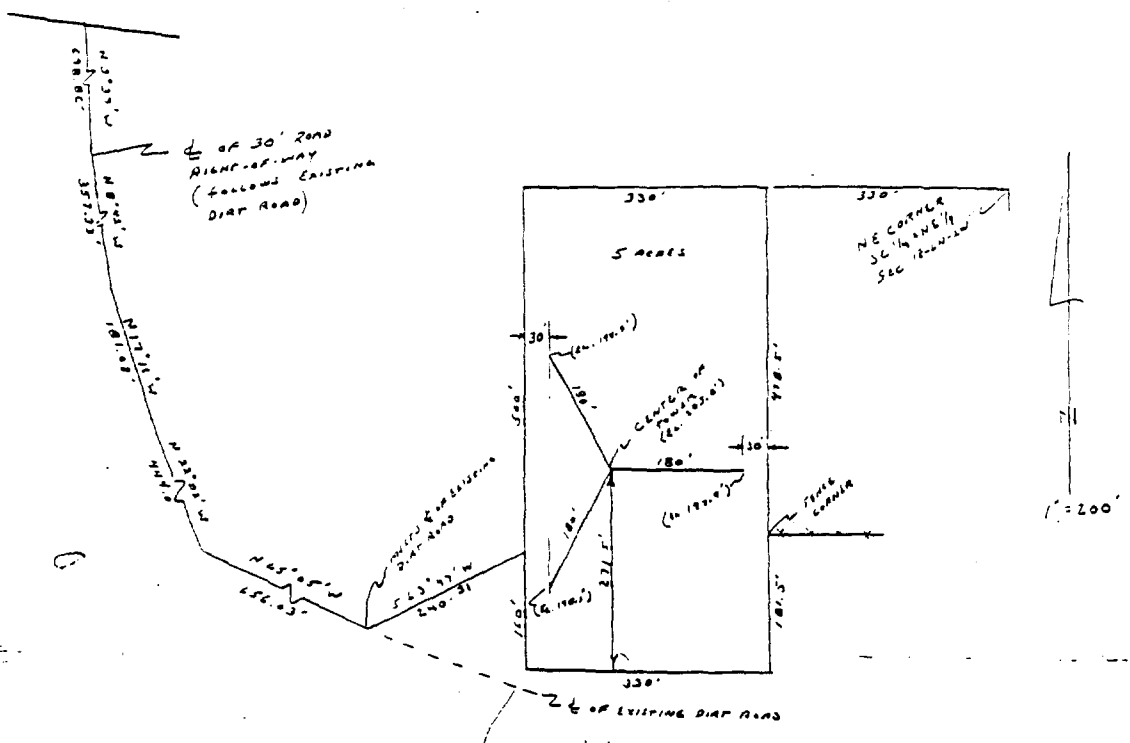
EXHIBIT "A"
 WCCJ-FM
 BENCHMARK COM. CORP.
 CHATOM, ALABAMA
 AUG. 3, 1988

P. O. Box 156
 CHATOM, ALABAMA 36513

ROBERT F. SCHELL, Engineer, Land Surveyor

EXHIBIT "A"

Ala. Reg. No. 5548
 Phone 347-2323



CHATOM RADIO TOWER

The $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West, Washington County, Alabama.

Also a right-of-way and easement 30 feet in width being 15 feet on each side of a centerline described as follows: Beginning 160 feet North of the SW corner of the $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West; thence run South $63^{\circ}49'$ West for 240.31 feet; thence North $65^{\circ}05'$ West for 656.03 feet; thence North $22^{\circ}02'$ West for 444.00 feet; thence North $17^{\circ}16'$ West for 181.08 feet; thence North $08^{\circ}42'$ West for 357.33 feet; thence North $03^{\circ}39'$ West for 698.86 feet to a county road and the point of ending. Said right-of-way being in the NE $\frac{1}{4}$ of Section 18, Township 6 North, Range 2 West, Washington County, Alabama, and said right-of-way following the center line of the existing dirt road.

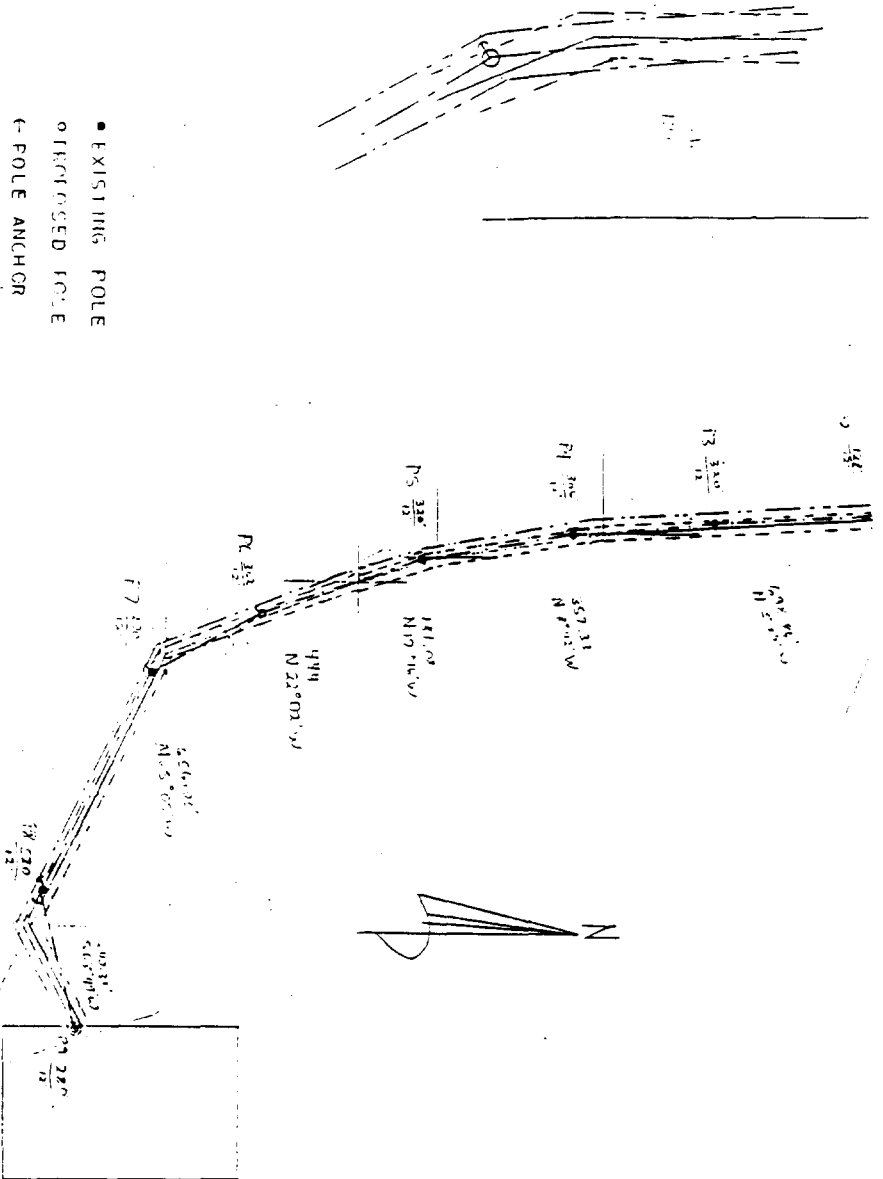
December 17, 1987

Robert F. Schell
 Robert F. Schell PE/PLS

EXHIBIT V
 WCCJ-FM
 BENCHMARK COM. CORP.
 CHATOM, ALABAMA
 AUG. 3, 1988

EXHIBIT "B"

- EXISTING POLE
- PROPOSED POLE
- ← POLE ANCHOR
- ⊙ POLE WITH TRANSFORMER
- CENTER LINE OF ROADWAY
- EDGE OF RIGHT OF WAY
- POWER LINE
- EDGE OF POWER FACEMENT



DATE 6-87		DRAWN BY JPM	
POWER UTILITIES WCCJ CHATOM, AL.		PROJECT NUMBER 88-1061	

EXHIBIT W
WCCJ-FM
BENCHMARK COM. CORP.
CHATOM, ALABAMA
AUG. 8, 1988

TURNER, ONDERDONE & KIMBROUGH, P. A.

LAWYERS

80 CENTRAL AVENUE

CHATOM, ALABAMA

EDWARD P. TURNER, JR.
A. MICHAEL ONDERDONE
W. A. KIMBROUGH, JR.
GORDON R. HOWELL
MALRON W. TURNER
FRANK WOODSON
DAVID MICHAEL HUGGINS
BRAXTON COUNTS, III
ADMITTED IN ALABAMA & MISSISSIPPI

July 27, 1988

MAILING ADDRESS
P.O. DRAWER 188
CHATOM, AL 36518
TELEPHONE 205-847-2237
FAX 1-205-847-3115

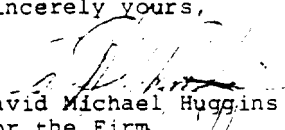
Mr. Pete Meyers
P. O. Box 177
Chatom, Alabama 36518

Dear Mr. Meyers:

Enclosed is the utility line easement which is ready for mailing to Mr. Harper along with my cover letter as soon as you have attached your check in the amount of \$630.00. If you have any questions, please feel free to contact me.

With best regards, I am,

Sincerely yours,


David Michael Huggins
For the Firm

DMH:bett

Enc.

ATTACHMENT I

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C.

Construction Permit)	
)	Refer file number
Extension for FM Radio)	
)	BM PH 880325JC
WCCJ, Chatom, Alabama)	
)	
and Benchmark Comm. Corp.))	

Pleading for WCCJ
Chatom, Alabama
And
Benchmark Comm. Corp.
Permittee

Pursuant to F.C.C. Rules, WCCJ, Chatom, Alabama and Benchmark Comm. Corp. hereby enters this pleading before the Commission for Renewal and Extension of WCCJ's Construction Permit.

In summary, WCCJ's construction permit was placed on an indefinite hold by the allocations branch pending action of a requested up-grade of WCCJ's status from Class A to Class C2. In November of 1987, the Aural Services branch however, issued a new construction permit for a period of six months ordering WCCJ to construct its existing authorization. In compliance, Benchmark set out to construct the facility only to find that the previous holder of the C.P., June Fuss had never secured their proposed transmitter site.

Benchmark immediately entered into negotiations with

the trust that held the property and reached a tentative agreement by mid January, 1988 to lease the land to WCCJ. The actual lease was not signed by both parties until March 1, 1988, however some construction was begun in February.

During this period several events failed to occur further delaying construction. A twelve by sixty foot mobile home that was to be used to house the station was not delivered and a tower that was to be used was found not to be as described by the seller and was not accepted. Benchmark immediately took steps to replace both of these items, however the construction permit expired on April 6, 1988. Benchmark filed a request with the Commission to extend the construction permit to June 1, 1988.

A second smaller trailer was brought to the site in early May, 1988, and preparation for a different tower was begun. By the end of May, it was becoming obvious that the tower would not be delivered on time and that problems with right-of-way for the electric power would cause Benchmark to miss its proposed June 1 target. Thus Benchmark requested the Commission grant an additional 30 days.

The F.C.C. did grant a six month extension to WCCJ on June 1, 1988 however, ten days later the F.C.C. rescinded the extension in response to a 'Petition To Deny' filed by Alabama Native American who is a party to WCCJ's et al request for up-grade. Although Alabama's Petition was filed in a timely manner, the F.C.C. stated that it was overlooked at the time of WCCJ's renewal.

Likewise, the copy of Alabama's Petition was forwarded by first class mail to Benchmark's Miami, Florida office in a timely manner. There was no one there to respond to it in a timely manner. Since the F.C.C. proceeded to extend WCCJ's C.P., it was assumed by Benchmark that Alabama's Petition had been rejected by the Commission and Benchmark took no further action as was explained in Benchmark's request for Waiver and Response to Petition filed in July, 1988.

Alabama's Petition alleged that Benchmark had failed to perform certain construction at its transmitter site and attempted to deceive the Commission in Benchmark's filing in March. Benchmark has freely admitted that the work described was not completed although at the first of March, Benchmark believed that the work would have reached that point by the actual filing on or about the 15th of March. Benchmark never attempted to deceive the Commission as was demonstrated by the filing of its "Amended" application filed in May and again in the Response To Petition and again in its response to interrogatories from the Commission. Further, Benchmark has pointed out to the Commission that Alabama's Petition was inappropriate because Alabama is mutually exclusive only to WCCJ's up-grade request and not to an extension to WCCJ's current authorization. As currently authorized operation of WCCJ would not prevent an additional frequency drop-in at Atmore, Alabama as requested by Alabama.

Although Benchmark has halted further major construction of WCCJ pending F.C.C. actions, it has maintained an office


in Chatom at the Timberland Motel, has a Post Office Box number 177, has applied for telephone service from the Milry Telephone Company for telephone number 847-9225 (847-WCCJ), and has an active bank account with First Community Bank in Chatom. WCCJ has maintained a fulltime employee since May and has made arrangements with additional persons to fill positions once construction is resumed.

WCCJ has on hand all of the equipment needed to commence operations. This equipment is located at the transmitter site, the Timberland Motel office, or in one of two warehouses leased by Benchmark and can be on the site within six to ten days.

Benchmark believes all construction can be completed within ninety days after an extension for construction permit is issued.

Benchmark believes it has demonstrated an abundance of proof of its sincerity to complete construction of WCCJ and to place it into operation as first service to Chatom and Washington County, Alabama.

Benchmark believes the aforesaid statements to be accurate and true to the best of its knowledge this twentieth day of December, 1988.




John Raymond Meyers
Pres. and Director
Benchmark Communications Corp.
permittee of WCCJ
Chatom, Alabama

A copy of this Pleading has been sent to the following
by first class mail:

Mr. Dale Gehman
Alabama Native American
c/o WASG
1210 S. Main Street
Atmore, Alabama 36502

Dec. 20, 1988



John Raymond Meyers
Pres. and Dir.
Benchmark Comm. Corp.
Permittee of WCCJ, Chatom,
Alabama

LEIBOWITZ & SPENCER

A Partnership of Professional Corporations

MATTHEW L. LEIBOWITZ, P.A.

JOHN M. SPENCER, P.C. •

JOSEPH A. BELISLE

K. PATRICK MEEHAN

OF COUNSEL

SANFORD L. BOHRER

SID DAVIDOFF •

JEROME M. BECKER •

100 E. 42nd Street

New York, N.Y. 10017

• NOT ADMITTED TO
FLORIDA BAR

Suite 501
3050 Biscayne Boulevard
Miami, Florida 33137
(305) 576-7973

Telecopier (305) 576-7980

Suite 500
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 293-4093

Telecopier (202) 872-0604

April 17, 1989

RECEIVED

APR 18 1989

Federal Communications Commission
Office of the Secretary

Mr. Larry D. Eads
Chief, Audio Services Division
Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: Benchmark Communications Corporation
WCCJ(FM), Chatom, Alabama
File No. BMPH-880325JC
Our File No. 511

Dear Mr. Eads:

On March 2, 1989 Benchmark Communications Corporation requested reconsideration of staff action denying its application to extend the construction permit for new FM station WCCJ, Chatom, Alabama (File No. BMPH-880325JC). Benchmark now wishes to supplement its petition with photographs depicting some of the construction described in its petition.

One factor which apparently led to the staff's action was statements by R. Dale Gehman that he was unable to find evidence of the tower foundation Benchmark had constructed before its permit expired. (It is understandably difficult to imagine how so substantial a structure could have been overlooked if in fact it existed.)

The answer, as Benchmark has explained on several occasions, is that the foundation is not capped with a conventional above-ground pier, but lies at grade level. Thus when Mr. Gehman looked for it, it was hidden by weeds that had grown over it in the three months since it had been poured.

Photographs show this much more clearly than words. Photo #1 shows the site, with the location of the foundation just below the arrow. Notice the dense groundcover.

Photo #2 is a close-up of the foundation itself, with the dried weeds pulled away. It should be apparent that such growth would have hidden the foundation from discovery.

Mr. Larry D. Eads
April 17, 1989
Page 2

Photo #3 shows the tower base plate that would be installed on the top of the foundation as the first step of tower erection. As previously described, the construction date can be seen scratched into the top of the foundation concrete.

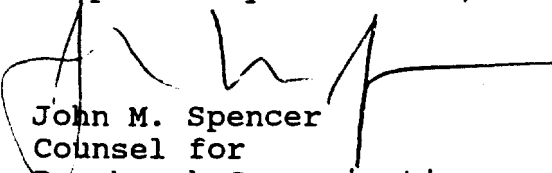
Photo #4 shows the equipment trailer, which was delivered to the site on May 16, 1988.

Finally, Photos #5 and #6 show the unimproved condition of the road leading through the forest to the WCCJ site. Examination of them should clarify why Benchmark initially believed reports that the original trailer supplier was unable to deliver the 12'x60' trailer to the site.

Benchmark hopes these photographs help the staff better understand its construction efforts. In order to have a full opportunity to clarify any remaining questions the staff may have, Benchmark requests a face-to-face meeting with you and other appropriate staff personnel at the earliest possible time. Please advise undersigned counsel when such a meeting would be convenient, so the necessary travel arrangements can be made.

Thank you in advance for your consideration.

Respectfully submitted,



John M. Spencer
Counsel for
Benchmark Communications
Corporation

JMS:hs

Encl. (6)



PHOTO #1 - WCCJ Site Overview

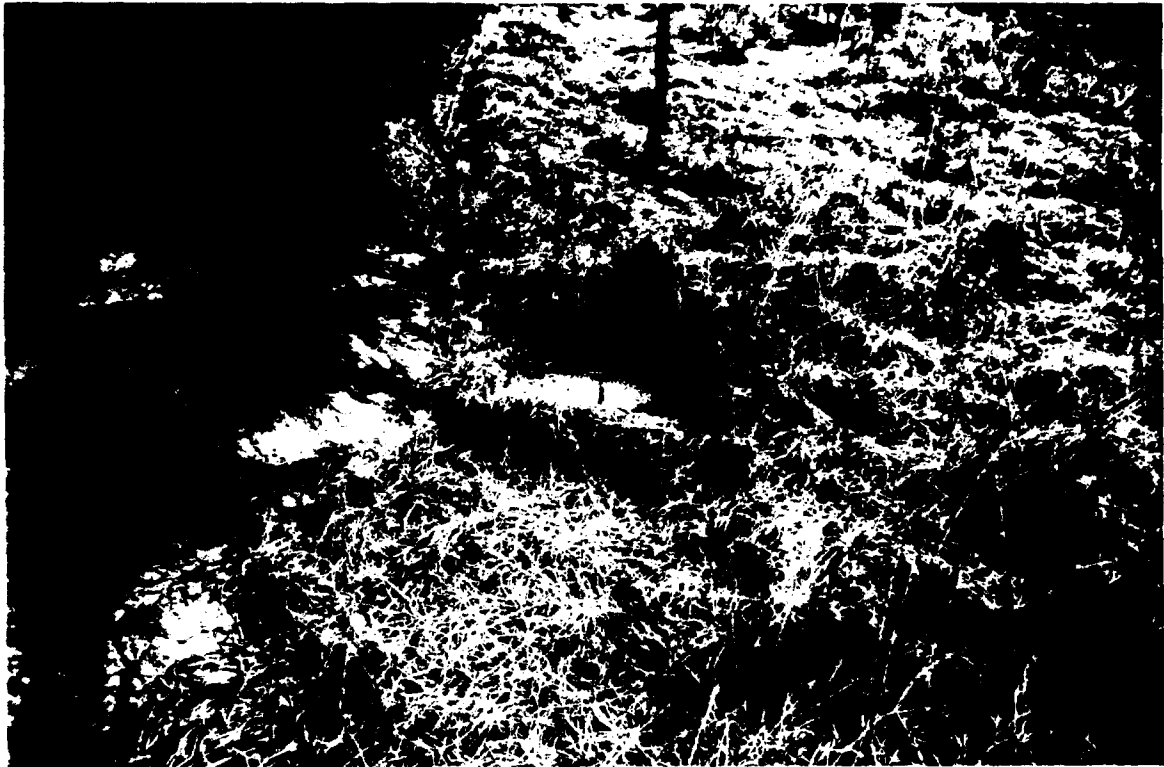


PHOTO #2 - Foundation and Groundcover



PHOTO #3 - Foundation and Tower Base Plate